

**IN RE: APPEAL OF JOSE AND CECILIA : BEFORE THE ZONING HEARING
BRIOSO RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 272 BARTLETT STREET, : PENNSYLVANIA
CITY OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2021-32
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 12th day of January, 2022, a hearing having been held on December 8, 2021, upon the application of Jose and Cecilia Brioso, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicants are Jose and Cecilia Brioso, adult individuals residing at 272 Bartlett Street, Reading, PA 19611 (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of real property located at 272 Bartlett Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-2 Residential Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicants have requested a dimensional variance to construct a carport within the required side yard setback at the Subject Property.

5. Applicants seek relief from Zoning Ordinance Sections 600-803.A., 600-1001 and 600-406.D. and all associated variances, special exceptions and interpretations.

6. The Subject Property consists of a one-family detached dwelling located on a 6,550 +/- square foot lot.

7. A zoning permit was issued to the Applicants and construction of the carport commenced, but a neighboring property owner complained to the City and the permit was subsequently revoked.

8. The carport is constructed along the south side of the Subject Property and extends into the required four-foot (4') side yard setback.

9. A neighboring property owner believes the carport is two feet (2') into the required four foot (4') required side yard setback and is concerned about water run-off onto their property.

10. The Board finds that the installation of a gutter on the carport running along the side property line with a leader leading out to the street would rectify any water run-off issues.

11. The Zoning Board finds that the proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district in general as long as a gutter is installed on the carport running along the side property line with a leader leading out into the street.

DISCUSSION

Applicants have requested a dimensional variance to construct a carport within the required side yard setback at the Subject Property pursuant to Sections 600-803.A., 600-1001 and 600-406.D. of the Zoning Ordinance. The Zoning Board finds the proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district as long as a gutter is

installed on the carport running along the side property line with a leader leading out into the street.

CONCLUSIONS OF LAW

1. Applicants are Jose and Cecilia Brioso.
2. The Subject Property is located at 272 Bartlett Street, City of Reading, Berks County, Pennsylvania 19611.
3. The Subject Property is located in the R-2 Residential Zoning District.
4. Applicants seek a dimensional variance to construct a carport within the required side yard setback at the Subject Property pursuant to Sections 600-803.A., 600-1001, and 600-406.D. of the Zoning Ordinance.
5. In order to grant the requested variance, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicants are granted a dimensional variance to construct a carport along the south side of the Subject Property as long as a gutter is installed on the carport running along the side property line with a leader leading out to the street.
 - b. Applicants shall attend a One Stop meeting with the building and fire inspectors to ensure compliance with all Building and Fire Code requirements.
 - c. Applicants shall apply for any required building trades, fire permits and submit to appropriate inspections deemed necessary.
 - d. Applicants shall comply with all relevant fire, building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

e. Applicants may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

f. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 5 to 0 .

**ZONING HEARING BOARD OF THE
CITY OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST

/s/ Jared Barcz

JARED BARCZ